

TITLE 54
PROFESSIONS, VOCATIONS, AND BUSINESSES

CHAPTER 54
DRIVING BUSINESSES

54-5401. SHORT TITLE. This chapter shall be known and may be cited as the "Idaho Driving Businesses Act."

[54-5401, added 2009, ch. 251, sec. 2, p. 765; am. 2020, ch. 213, sec. 1, p. 621.]

54-5402. DEFINITIONS. As used in this chapter:

(1) "Board" means the Idaho driving businesses licensure board, which will act as the state regulatory body for driving businesses hereinafter provided in this chapter.

(2) "Driver education" means classroom instruction and behind-the-wheel driving time.

(3) "Driving business" means any driver education business established for the education of students in a classroom or motor vehicle, or both, which education shall not qualify a student for a commercial driver's license. A driving business shall not include an education program run by a church, synagogue, or refugee program or an accident prevention course taught, regulated, or licensed by the transportation department.

(4) "Driving instructor" means a person who is licensed by the board to teach the classroom instruction phase and behind-the-wheel training phase of automobile driver training. This term does not apply to any independent certified driving instructor who participates in a state or federal program directed at training or retraining persons in occupational skills or to instructors who operate or work for public driving businesses that are overseen by the state department of education.

(5) "License" means a document issued by the bureau of occupational licenses on behalf of the board officially documenting the individual's right to practice as a driving instructor or to operate a driving business within the state of Idaho.

[54-5402, added 2009, ch. 251, sec. 2, p. 765; am. 2020, ch. 213, sec. 2, p. 621.]

54-5403. BOARD -- TERMS OF MEMBERS -- QUALIFICATIONS -- POWERS AND DUTIES -- MEETINGS -- COMPENSATION. (1) A driving businesses licensure board is hereby established in the department of self-governing agencies whose duty it shall be to administer the provisions of this chapter.

(2) The board shall consist of five (5) members appointed by the governor. The governor may consider recommendations for appointment to the board from the Idaho association of professional driving businesses, any association of driving businesses or from any individual residing in this state. The board shall consist of four (4) members who are licensed under this chapter and one (1) member of the public. At least one (1) member shall be a driving business owner.

(3) Members shall serve at the pleasure of the governor. Board members shall be appointed for a term of three (3) years. No member of the board may be appointed to more than two (2) consecutive terms. Members of the board shall hold office until the expiration of the term for which they were ap-

pointed and until their successors have been appointed and qualified. In the event of a vacancy other than expiration of a term, the governor shall appoint a replacement to fill the vacancy for the remainder of the unexpired term.

(4) Members of the board shall be citizens of the United States and residents of this state and shall never have been the subject of a disciplinary action under the provisions of section [54-5409](#), Idaho Code.

(5) The board shall:

(a) Enforce the minimum standards and requirements as provided in this chapter and by rule adopted by the board. The board may promulgate such rules, in compliance with [chapter 52, title 67](#), Idaho Code, as may be necessary to carry out the provisions of this chapter in order to effectuate the purposes herein and for the orderly and efficient administration thereof, except as may be limited or prohibited by law and the provisions of this chapter;

(b) Accept or reject applications for licensing, business, and instruction and establish the fees to be charged for original application and renewal, subject to the provisions of this chapter;

(c) Hold and attend public meetings and furnish copies of information to those engaged in the business and to the public upon request;

(d) Review and approve instructor training curriculum and programs;

(e) Contract with the bureau of occupational licenses to provide administrative services;

(f) Include a link on the bureau of occupational licenses' website to current curriculum components offered by private driver education businesses; and

(g) Adopt rules providing for continuing education, if necessary.

(6) The board shall have the authority to conduct inspections and audits of any licensed driving business or any licensed instructor to ensure compliance with the laws and rules of the board. Failure to cooperate with an inspection or audit may constitute grounds for disciplinary action.

(7) The board shall meet at such times as may be expedient and necessary for the proper performance of its duties, but it shall not meet less than once per year.

(8) The members shall elect annually one (1) of their number to be chairman. The chairman may serve in such capacity for a one (1) year term and may not serve in such capacity for more than two (2) consecutive terms.

(9) A majority of the board shall constitute a quorum for the transaction of business.

(10) Each member of the board shall be compensated as provided by section [59-509](#)(k), Idaho Code.

[54-5403, added 2009, ch. 251, sec. 2, p. 765; am. 2010, ch. 145, sec. 1, p. 306; am. 2014, ch. 157, sec. 1, p. 439; am. 2020, ch. 213, sec. 3, p. 621.]

54-5404. FEES. (1) All fees received under the provisions of this chapter shall be paid to the bureau of occupational licenses and deposited in the state treasury to the credit of the occupational licenses fund. All costs and expenses incurred under the provisions of this chapter shall be a charge against and paid from said fund. Actual fees shall be set by administrative rule.

(2) All licenses issued under the provisions of this chapter shall be subject to annual renewal. License renewal and reinstatement shall be in accordance with section [67-2614](#), Idaho Code.

(3) All fees are nonrefundable.

[54-5404, added 2009, ch. 251, sec. 2, p. 767; am. 2020, ch. 213, sec. 4, p. 622.]

54-5405. DRIVING BUSINESSES -- LICENSE REQUIREMENTS. (1) No private driver training business shall be established nor shall any existing business continue to operate unless the business applies for and obtains from the board a license that expires on the license issue date and must be renewed annually. The application for license shall include the name of the owner, a satisfactory fingerprint-based criminal history check of the Idaho central criminal database and the federal bureau of investigation criminal history database, the location of the business, a certificate of occupancy for a business that offers classroom instruction in a physical classroom location, a certificate of commercial automobile insurance, a list of licensed instructors, proof of an annual vehicle check, board-approved curriculum components and a course of instruction for students that shall include the following:

(a) Not less than thirty (30) hours of classroom instruction;

(b) Not less than six (6) hours of behind-the-wheel practice driving; and

(c) Not less than six (6) hours of observation.

(2) Any private driver training business or driving instructor licensed pursuant to this chapter shall be exempt from the provisions of [title 33](#), Idaho Code, that regulate driver education as long as such license is current and valid and the private driver training business or driving instructor is acting pursuant to activities that the license permits.

(3) Any driving business licensed pursuant to this chapter may contract with a public school to provide driver education. Any driving business that contracts with a public school to provide driver education may be allowed to use the services of any or all of the driving instructors of that driving business. Once a person has been licensed as a driving instructor, that person is authorized to teach in any approved driver education program.

(4) A driving business shall ensure that each of its employees and persons under its control who provide driver education to its students is at all times licensed under this chapter as a driving instructor or permitted as a driving instructor apprentice.

[54-5405, added 2009, ch. 251, sec. 2, p. 767; am. 2010, ch. 145, sec. 2, p. 307; am. 2017, ch. 185, sec. 1, p. 423; am. 2020, ch. 213, sec. 5, p. 623.]

54-5406. DRIVING INSTRUCTORS -- REQUIREMENTS. (1) Each person applying for a driving instructor license must complete an application provided by the bureau of occupational licenses that requires the applicant to be at least twenty-one (21) years of age, have a high school diploma or equivalent, a valid driver's license and a satisfactory driving record from the jurisdiction from which the license was issued, a satisfactory fingerprint-based criminal history check of the Idaho central criminal database and the federal bureau of investigation criminal history database, a medical certifi-

cate and any required completed coursework. Licensees shall certify that they hold a current medical certificate at the time of license renewal.

(2) Every new applicant for a license pursuant to this chapter shall have completed a board-approved apprenticeship training program of no fewer than thirty (30) hours of classroom instruction and fifty (50) hours of behind-the-wheel training. The board may waive, as a whole or either part, the apprenticeship for an applicant who holds a current, active and unrestricted equivalent instructor license from another state or who has the requisite training and experience as demonstrated in a manner established by board rule. Such applicant shall submit supporting documentation with the completed application and shall meet all other requirements in this chapter and in board rule.

[54-5406, added 2009, ch. 251, sec. 2, p. 767; am. 2010, ch. 145, sec. 3, p. 308; am. 2014, ch. 157, sec. 2, p. 441; am. 2020, ch. 213, sec. 6, p. 623.]

54-5407. CURRICULUM COMPONENTS FOR DRIVING BUSINESSES. The curriculum components for driving businesses shall be approved by the board and reviewed annually and the curriculum components must accompany any original application for a license.

[54-5407, added 2009, ch. 251, sec. 2, p. 767.]

54-5408. DISCIPLINE. (1) Grounds for discipline. The board shall have the power to deny any application for or renewal of a license or to revoke, suspend or otherwise sanction any such license issued pursuant to this chapter and to limit or restrict the practice of any driving instructor or driving business upon a determination by the board that the person or business:

(a) Was convicted, found guilty, received a withheld judgment or suspended sentence in this or any other state of any action constituting a crime that reflects upon the qualifications, functions, or duties of a driving business or driving business instructor; [that is deemed relevant in accordance with section 67-9411(1), Idaho Code]

(b) Violated the provisions of this chapter or rules, standards of conduct and practice, or any ethical codes as may be adopted by the board;

(c) Is or has been negligent or reckless in the practice of driver education; or

(d) Has had any license, certificate or registration to work as a driving instructor or operate as a driving business suspended or revoked in any jurisdiction. A certified copy of the order of suspension or revocation shall be prima facie evidence of such suspension or revocation.

(2) Every person or business subject to disciplinary proceedings shall be afforded an opportunity for hearing. All proceedings hereunder shall be in accordance with [chapter 52, title 67](#), Idaho Code.

(3) The board may, pursuant to an order of discipline, require the person or business to pay an administrative fine not to exceed one thousand dollars (\$1,000) for each violation identified in the order.

[54-5408, added 2009, ch. 251, sec. 2, p. 768; am. 2010, ch. 145, sec. 4, p. 308; am. 2020, ch. 175, sec. 39, p. 544; am. 2020, ch. 213, sec. 7, p. 624.]

54-5409. CERTAIN ACTS PROHIBITED. (1) The following acts shall be unlawful and punishable as a misdemeanor:

- (a) The violation of any of the provisions of this chapter;
- (b) Permitting any person in one's employ, supervision or control to practice as a driving instructor unless that person has complied with the provisions of this chapter;
- (c) Practicing or offering to practice any of the occupations defined in this chapter, unless licensed as herein provided;
- (d) Maintaining or operating a driving business unless such business is licensed as herein provided.

(2) The board may seek injunction against any person who practices as a driving instructor or who operates a driving business in violation of the provisions of this chapter. In the event a permanent injunction is entered against such person, or plea or verdict of guilty is entered in any criminal matter, the board may impose a civil penalty in the amount of all costs and fees incurred by the board in prosecuting the matter.

[54-5409, added 2009, ch. 251, sec. 2, p. 768.]